

REMARKS

Applicants file this reply in response to the Office Action dated May 5, 2005 and the Examiner's Interview of July 7, 2005.

Summary of the Office Action

Claims 63-86 were previously pending. In the Office Action dated 5/5/05:

(1) Claims 63, 66-70, 74-77, 79-82, and 84-86 were rejected under 35 U.S.C. § 102(e) as being anticipated by Lawler et al. U.S. Patent No. 5,699,107 (hereinafter "Lawler");

(2) Claims 64-65, 72-73, 78, and 83 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lawler in view of Boyer et al. U.S. Patent Publication No. 2002/0026496; and

(3) Claim 71 was rejected under 35 U.S.C §103(a) as being unpatentable over Lawler in view of Knee et al. U.S. Patent No. 5,589,892.

Summary of Telephone Interview

Applicants thank the Examiner for the telephone interview on July 7, 2005 with the undersigned and David Lee. During the interview, Lawler was discussed with respect to applicants' representative claim 63. Applicants disagreed with the Examiner's contention that Lawler showed applicants' claimed feature of "a list of at least one program that will

air outside a program listings time frame which is currently available to the user." While applicants maintain their arguments set forth in the February 23, 2005 Reply to Office Action, in order to advance the prosecution of this case, applicants agreed to amend the independent claims to more particularly define the claimed invention.

Summary of Applicants' Reply

In this response, applicants have amended independent claims 63, 69, 77, and 82 to more particularly define the following feature: displaying "a list of at least one program title that each corresponds to an unscheduled program that is outside a program listings time frame that is currently available to a user." Support for this amendment can be found, for example, in FIG. 14 and in the corresponding detailed description on page 24, line 24 to page 25, line 5, which provides that a program guide can display a coming soon display screen having a list of programs "that are not yet within the current time frame of the program guide. ... [The] list can include upcoming programs that have not yet been scheduled."

The amendments are made solely to expedite prosecution of the present application, and applicants reserve the right to pursue any subject matter lost by the amendments in this or a continuing application. After entry of the amendment, claims 63-86 continue to be pending in this application.

The Examiner's rejections are respectfully traversed, as discussed below.

Applicants' Reply to the Rejections under 35 U.S.C. §102(e)

In the 5/5/05 Office Action, claims 63, 66-68, 69-70, 74-76, 77, 79-81, 82, and 84-86 were rejected under 35 U.S.C. § 102(e) based on Lawler.

Applicants submit that independent claims 63, 69, 77, and 82, as amended, are not anticipated by Lawler. Amended independent claims 63, 69, 77, and 82 are directed to methods and systems for receiving notifications of upcoming unscheduled programs that are outside a program listings time frame that is currently available to a user. To give a user an opportunity to set a notification for such upcoming programs, the user is provided with a display of a list of upcoming program titles and is given an opportunity to select one of the titles for which the user desires to receive a notification. Thus, each of independent claims 63, 69, 77, and 82, as amended, recites displaying "a list of at least one program title that each corresponds to an unscheduled program that is outside a program listings time frame that is currently available to a user" and providing "the user with the opportunity to select a program title from the displayed list."

Nowhere does Lawler show or suggest such features. Rather, Lawler teaches providing a user with a "program grid 80 which provides a user with program schedule information as

to the times and channels on which various programs are available" (Lawler, FIG. 3; col.7, line 17 - line 20, emphasis added). The "program schedule information ... covers a time period extending about one week into the past and two weeks into the future" (Lawler, col.9, lines 44-46). Thus, Lawler's program grid only displays program listings that have a scheduled channel and time within the program listings time frame. In contrast, applicants' amended claims 63, 69, 77, and 82 each requires displaying "a list of at least one program title that each corresponds to an unscheduled program that is outside a program listings time frame that is currently available to a user" (emphasis added). Lawler's program grid does not display a list of any unscheduled programs that are outside a program listings time frame.

However, the Examiner additionally refers to an "Every Week button" in Lawler, which, "is displayed only if the program in the same time and channel slot for the next week has the same title as the selected program" (Lawler, col.11, lines 58-61). When the Every Week button is pressed, it "causes the system to set a reminder for the selected program and for the program on that channel and time slot every week thereafter" (Lawler, col.11, lines 53-56, emphasis added). The Examiner contends that pressing this "Every Week" button allows a user to select episodes that are outside the program grid time frame (see 5-5-05 Office Action, page 3, 2nd full paragraph). However, Lawler's Every Week feature only

relates to programs that are scheduled for the same channel and time slot in consecutive weeks and that have the same title. Therefore, such programs in Lawler are scheduled. In contrast, applicants' amended claims 63, 69, 77, and 82 each requires displaying "a list of at least one program title that each corresponds to an unscheduled program that is outside a program listings time frame that is currently available to a user" (emphasis added) and providing "the user with the opportunity to select a program title from the displayed list." Lawler's Every Week feature does not relate to unscheduled programs. Accordingly, applicants submit that independent claims 63, 69, 77, and 82, as amended, are not anticipated by Lawler.

Applicants submit that independent claims 63, 69, 77, and 82 are allowable. Claims 66-68, 70, 74, 79-81, and 84-86 depend upon one of allowable independent claims 63, 39, 77, and 82, and are therefore also allowable.

Applicants' Reply to the Rejections under 35 U.S.C. §103(a)

With respect to claims 64-65, 71-73, 78, and 83 rejected under 35 U.S.C. §103(a), such claims depend upon one of allowable independent claims 63, 69, 77, and 82. Therefore, claims 64-65, 71-73, 78, and 83 are also allowable.

Conclusion

In view of the foregoing, applicants respectfully submit that this application is in condition for allowance. Early and favorable reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,

Evelyn C. Mak
Evelyn C. Mak
Registration No. 50,492
Attorney for Applicants

Fish & Neave IP Group
Ropes & Gray LLP
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020
Tel.: (212) 596-9000